

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

SELENA DESMAINE,

No. 3:24-cv-00067-SB

Plaintiff,

OPINION AND ORDER

v.

COLUMBIA SPORTSWEAR COMPANY,

Defendant.

**BAGGIO, District Judge:**

On January 27, 2025, Magistrate Judge Stacie F. Beckerman issued her Findings and Recommendation (“F&R”, ECF 55), recommending that Defendant Columbia Sportswear Company’s Motion to Dismiss (ECF 40) be granted in part and Defendant’s request for vexatious litigant order be denied. This Court ADOPTS Judge Beckerman’s F&R.

**DISCUSSION**

The magistrate judge makes only recommendations to the court, to which any party may file written objections. 28 U.S.C. § 636(b)(1)(B), (C). If a party objects, the court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendation to which objection is made.” *Id.* § 636(b)(1)(C). The court is not, however, required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *Thomas v.*

*Arn*, 474 U.S. 140, 149 (1985); *United States v. Ramos*, 65 F.4th 427, 433 (9th Cir. 2023). While the level of scrutiny that the court applies to its F&R review depends on whether a party has filed objections, the court is free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C); *see also Thomas*, 474 U.S. at 154.

Neither party filed objections. Accordingly, the Court has reviewed the pertinent portions of the record *de novo* and finds no error in the Magistrate Judge’s F&R.

### CONCLUSION

The Court ADOPTS Judge Beckerman’s Findings and Recommendation (ECF 55). Therefore, Defendant’s Motion to Dismiss (ECF 40) is GRANTED in part and DENIED in part: Defendant’s Motion to Dismiss under Federal Rule of Civil Procedure (“Rule”) 12(b)(6) is GRANTED and Defendant’s Motion to Dismiss under Rule 41(b) is DENIED. Defendant’s request for a vexatious litigant order is DENIED.

Additionally, Plaintiff has leave to amend and is ordered to file an amended complaint within two (2) weeks of this Order being filed—if Plaintiff is able to cure the pleadings deficiencies discussed in the F&R.

IT IS SO ORDERED.

DATED this 18th day of February, 2025.

*Amy M. Baggio*

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AMY M. BAGGIO  
United States District Judge